

Nos. 06-3810/3812/3813/3814/3815

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**

AUG 22 2006

LEONARD GREEN, Clerk

PATRICIA KAMMEYER, et al.,

Plaintiffs-Appellees,

v.

CITY OF SHARONVILLE, et al.,

Defendants-Appellees,

OHIO GOVERNMENT RISK MANAGEMENT  
PLAN (06-3810); FOLKSAMERICA  
REINSURANCE COMPANY (06-3812);  
UNITED NATIONAL INSURANCE COMPANY  
(06-3813); SCOTTSDALE INSURANCE  
COMPANY (06-3814); NORTH EAST  
INSURANCE COMPANY (06-3815),

Proposed Intervenor-Appellants.

ORDER

1:01-CV-649(SAS)

06 AUG 23 PM 12:00

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JAMES E. GILMAN  
CLERK

Before: MOORE, COLE, and GILMAN, Circuit Judges.

The plaintiffs are the children of two women who were murdered in 1981. In this civil rights action, they allege that the defendants conspired to coverup relevant facts. As a result, the investigation and prosecution was delayed for many years. Trial will begin September 12, 2006.

Five individual insurance companies moved to intervene for the purpose of submitting jury instructions, jury interrogatories, and verdict forms. In an opinion and order addressing a number of pending motions, the district court denied intervention. The insurers now appeal. They moved the district court to stay trial pending their appeal. *See* Fed. R. App. P. 8(a)(1)(A). The district court

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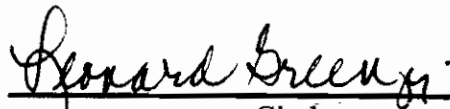
- 2 -

denied that motion, and the insurers now move this court to stay the trial. The plaintiffs respond in opposition, and the insurers reply in support of their motion.

In considering whether to issue a stay pending appeal, the court balances the traditional factors for injunctive relief: 1) whether the applicant has demonstrated a likelihood of success on the merits; 2) whether the applicant will be irreparably injured absent a stay; 3) whether issuance of the stay will substantially injure the other interested parties; and 4) where the public interest lies. *Michigan Coalition of Radioactive Material Users, Inc. v. Griepentrog*, 945 F.2d 150, 153 (6th Cir. 1991). Given the time that has passed since the events in question and the length of this litigation, any further delay weighs strongly against a stay. The harm claimed by the insurers, *i.e.*, a collateral-estoppel effect in litigation pending in state court, is speculative and not clearly established. It cannot be concluded that the appellants have a strong likelihood of success on the merits.

Therefore, the motion to stay the trial of this action pending appeal is **DENIED**.

ENTERED BY ORDER OF THE COURT



Clerk

LEONARD GREEN  
CLERK

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT  
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Filed: August 22, 2006

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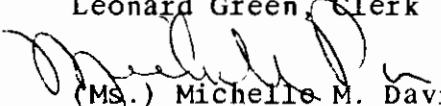
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RE: 06-3810: 06-3812: 06-3813: 06-3814: 06-3815  
Kammeyer vs. Sharonville  
District Court No. 01-00649

Enclosed is a copy of an order which was entered today in the above-styled case.

Very truly yours,  
Leonard Green, Clerk

  
(Ms.) Michelle M. Davis  
Case Manager

Enclosure

cc:

Mr. James Bonini